# How Federal Asbestos Regulations Apply to Fire Suppression Training



### **Webinar Set Up**

- All lines will be muted
- Questions can be sent to us via the question/chat box
- We will record webinar and post online

# How Federal Asbestos Regulations Apply to Fire Suppression Training

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## Can structures be burned for fire training?

 Yes, but only for actual fire training activities.

 Simply burning structures for removal or disposal is in violation of Michigan Air Pollution Control Rule 310.

### Michigan Air Pollution Control Rule 310

• (1) A person shall not cause or permit open burning of refuse, garbage, or any other waste materials, except for the burning of any of the following:

• (b) Structures and other materials used exclusively for fire prevention training.

### Michigan Air Pollution Control Rule 310

(2) The exceptions specified in subrule (1) of this rule do not authorize open burning if prohibited by local law or regulation.

Local regulations will also apply.

## Do I have to remove anything from the structure prior to the burn?

- The Rule 310 exemption allows for all materials to stay in the structure for the fire training.
- However, the federal and state NESHAP asbestos regulations still apply to fire training activities. These require all asbestos to be removed prior to the intentional burn.

## NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP)

Clean Air Act

### Federal Regulations

- U.S. Environmental Protection Agency (EPA) delegated enforcement authority to the Department of Environmental Quality (DEQ)
- EPA monitors our asbestos program and requires regular program reporting

### State Regulations

- NESHAP Regulations have been adopted by reference to the Air Pollution Control Rules
- Rule 942

## 40 CFR, Part 61 Subpart M – National Emission Standard for Asbestos

## Section 61.145 Standard for demolition and renovation

- Notification requirements:
  - Must be submitted at least 10 working days before beginning work
- Emissions control requirements:
  - Material must be adequately wet to prevent visible emissions
- Waste disposal standards:
  - Must be placed in leak-tight containers, and
     Must remain leak-tight until properly disposed

### What activities are subject?

#### Renovation

 Altering one or more facility components in any way, including the stripping or removal of RACM from a facility component (excluding wrecking or taking out loadsupporting structural members)

NOTE: Notification required when amount of RACM to be removed equals or exceeds the cutoff: 260 linear, 160 square, and/or (35 cubic feet if off components).

### What activities are subject? (cont.)

#### Demolition

 Wrecking or taking out load-supporting structural member of a facility together with any related handling operations

NOTE: Notification required 10 working days prior to beginning demolition, even if there is no asbestos.

What facilities are subject to these regulations if they are intentionally burned?



### **EPA Determination**

 "When a structure is being intentionally burned down for the purpose of a fire training, that structure is being used for institutional purposes, and is therefore considered an institutional building."

• Therefore <u>all buildings</u> used for fire training purposes are subject to these regulations.

## Who is Responsible for Compliance?

• The owner of the facility and the operator of the work practice (abatement crew, demolition company, fire department) are both held equally and fully liable.

## Why should I worry about compliance?

 Violations of the federal asbestos NESHAP regulations carry a maximum penalty of \$37,500 per violation per day.

 EPA and the state of Michigan have placed a high priority on compliance due to the potentially severe health effects of asbestos exposure.

## When should I begin thinking about asbestos in relation to my intentional burn training?

 The time to begin thinking about asbestos is in the early stages of planning your training activity.

• 61.145(a) ...thoroughly inspect the affected facility ... for the presence of asbestos

### Who does this inspection?

 This inspection must be performed by someone who is certified by the Department of Licensing and Regulatory Affairs (DLARA) Asbestos Program. This individual will have the training of where to look for asbestos containing materials (ACMs) and how to safely sample these materials.

## Does the FD or the owner take care of the inspection?

- Both are responsible and liable to ensure it is done.
- Some FDs simply refuse to accept a structure for fire training unless the owner has had the survey performed and the structure is asbestos free.
- If it's not in writing, it didn't happen.

## A survey is done and there are ACMs, what now?

• 61.145 (c) (10) "If a facility is demolished by intentional burning, <u>all RACM</u> including Category I and Category II nonfriable ACM must be removed in accordance with the NESHAP before burning."

## A survey is done and there are ACMs, what now?

- All ACM must be removed and properly disposed of by either a licensed asbestos abatement contractor or the building owner (no employees).
- The DLARA Asbestos Program regulates all licensing and certifications. Any questions pertaining to these issues should be directed to them.

### The structure is asbestos free.

- A Notification of Intent to Renovate/Demolish needs to be submitted.
- There is no fee.
- The form must be submitted *at least* 10 working days (2 full calendar weeks) prior to the start of the regulated activity.

### Who submits the Notification?

 Either liable party may submit the Notification.

 Typically, the party that has control over the schedule of the activity submits the Notification. They will then be responsible for submitting a revision if the schedule changes.

### Who submits the Notification?

 If the owner is responsible for submitting the Notification, make certain to obtain a copy.

If it's not in writing, it didn't happen.

#### How is the Notification submitted?

- As of November 2012, the NESHAP Notification of Intent to Renovate/Demolish can be submitted online.
- To get started: <u>www.michigan.gov/business</u>

If you need help registering your business, the customer assistance center can be reached at (877) 766-1779.

#### How is the Notification submitted?

Advantages to online submission:

- The system will provide guidance resulting in complete submissions.
- The system is available 24/7.
- No concern about losing the Notification in the mail or postage costs.
- Easier revisions of the Notification.

### When must I revise the Notification?

Delaying a start date

 Revise the Notification online <u>no later</u> <u>than</u> the day you were last scheduled to begin and provide the new start date.

### Revising Notifications (cont.)

- Start on date earlier than on Notification
  - Submit new start date at least 10 working days prior to beginning regulated activities

 A revision to the Notification is required anytime any of the required information changes.

### Where can asbestos be found?

- Piping
- Siding
- Ceilings
- Floors
- Others









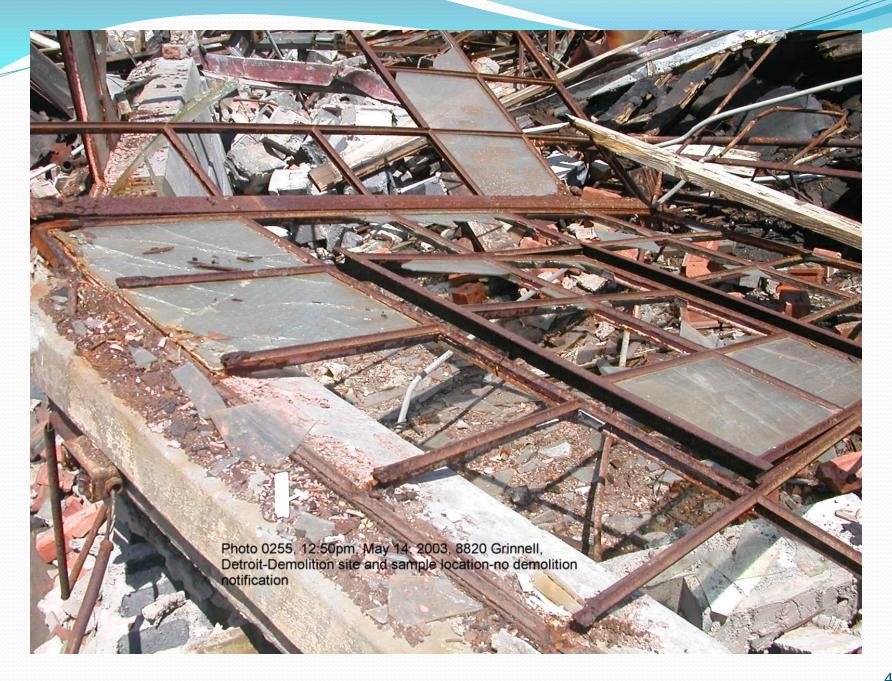














### NESHAP Contacts and Information

 All contact information, forms, and information can be found on the DEQ Air Quality Division's web site:

### www.michigan.gov/air

 Asbestos NESHAP Program (under Air Links on right)

# Michigan Department of Licensing and Regulatory Affairs (DLARA) MIOSHA Asbestos Program

(517) 322-1320 www.michigan.gov/asbestos

### Questions?

